

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: AMTRAK TRAIN DERAILMENT IN
PHILADELPHIA, PENNSYLVANIA, ON MAY 12,
2015

17-99

MDL No. 2654

FILED

JAN 10 2017

LUCY V. CHIN, Interim Clerk
Dep. Clerk

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO -14)

On October 13, 2015, the Panel transferred 6 civil action(s) to the United States District Court for the Eastern District of Pennsylvania for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 140 F.Supp.3d 1347 (J.P.M.L. 2015). Since that time, 44 additional action(s) have been transferred to the Eastern District of Pennsylvania. With the consent of that court, all such actions have been assigned to the Honorable Legrome D. Davis.

It appears that the action(s) on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Eastern District of Pennsylvania and assigned to Judge Davis.

Pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the action(s) on the attached schedule are transferred under 28 U.S.C. § 1407 to the Eastern District of Pennsylvania for the reasons stated in the order of October 13, 2015, and, with the consent of that court, assigned to the Honorable Legrome D. Davis.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Pennsylvania. The transmittal of this order to said Clerk shall be stayed 7 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

Jan 03, 2017

CLERK'S OFFICE
UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:



Jeffery N. Lüthi
Clerk of the Panel

CLOSED

17-99

U.S. District Court
District of New Jersey [LIVE] (Newark)
CIVIL DOCKET FOR CASE #: 2:16-cv-09281-MCA-SCM

KEANE v. NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK) et al
Assigned to: Judge Madeline C. Arleo
Referred to: Magistrate Judge Steven C. Mannion
Cause: 28:1331 Fed. Question: Personal Injury
Date Filed: 12/15/2016
Date Terminated: 01/09/2017
Jury Demand: Plaintiff
Nature of Suit: 360 P.I.: Other
Jurisdiction: Federal Question

Plaintiff

MICHAEL KEANE

represented by MARIO A. BATELLI
FOSTER & MAZZIE, LLC
10 FURLER STREET
PO BOX 209
TOTOWA, NJ 07512
(973) 785-4000
Email: mbatelli@fostermazzielaw.com
ATTORNEY TO BE NOTICED

V.

Defendant

NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

Defendant

BOSTIAN BRANDON

Date Filed	#	Docket Text
12/15/2016	<u>1</u>	COMPLAINT against All Defendants (Filing and Admin fee \$ 400 receipt number 0312-7540231) with JURY DEMAND, filed by MICHAEL KEANE. (Attachments: # <u>1</u> Civil Cover Sheet)(BATELLI, MARIO) (Entered: 12/15/2016)
12/16/2016		Case assigned to Judge Madeline C. Arleo and Magistrate Judge Steven C. Mannion. (jr) (Entered: 12/16/2016)
12/16/2016	<u>2</u>	SUMMONS ISSUED as to BOSTIAN BRANDON, NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK) Attached is the official court Summons, please fill out Defendant and Plaintiffs attorney information and serve. Issued By *John Reilly* (jr) (Entered: 12/16/2016)
12/20/2016	<u>3</u>	WAIVER OF SERVICE Returned Executed by MICHAEL KEANE. NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK) waiver sent on 12/20/2016, answer due 2/21/2017. (BATELLI, MARIO) NOTICE TO COUNSEL: Counsel is advised that pursuant to Local Civil Rule 5.3(c)(2), a single, consolidated motion to seal shall be filed within 14 days following the completed briefing of the materials sought to be sealed, or within 14 days following the date on which the last of such materials was filed under temporary seal if the motion is resolved, unless otherwise directed by the Court. (Entered: 12/20/2016)
01/09/2017	<u>4</u>	Order of MDL Panel transferring case to the Eastern District of Pennsylvania. (ek) (Entered: 01/09/2017)
01/09/2017		Case extracted via ECF to the Eastern District of Pennsylvania. (ek) (Entered: 01/09/2017)

PACER Service Center			
Transaction Receipt			
01/10/2017 10:19:11			
PACER Login:	ud16524263085:0	Client Code:	
Description:	Docket Report	Search Criteria:	2:16-cv-09281-MCA-SCM Start date: 1/1/1970 End date: 1/10/2017
Billable Pages:	1	Cost:	0.10

UNITED STATES DISTRICT COURT

17-99

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: _____

Address of Defendant: _____

Place of Accident, Incident or Transaction: _____
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☐

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☐

RELATED CASE, IF ANY:

Case Number: MDL 2654-TR Judge Davis Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☐
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☐
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☐

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☒ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) _____

1/10/17

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law

Attorney I.D.# _____

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 1/10/17Eric Sobieski, Deputy Clerk

Attorney-at-Law

Attorney I.D.# _____